

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

JAMES EDWARD SEGARS,)
Plaintiff) CAUSE NO. 3:05-CV-254 RM
vs.)
GENE L. ISSACS, *et al.*)
Defendants)

OPINION AND ORDER

James Edward Segars, a *pro se* prisoner, filed a letter that the court construes as a motion to reconsider pursuant to FED. R. Civ. P. 59. Mr. Segars cites to the Indiana Administrative Code. A violation of the Indiana Administrative Code might support a state cause of action, but it doesn't support a federal constitutional claim. The State of Indiana may establish stricter standards than those prescribed by the Eighth Amendment and it may provide a remedy for the violation of those standards, but the creation of those standards does not alter the Eighth Amendment standard and the violation of those standards does not create a cause of action in federal court.

Mr. Segars protests that it was the guard who escalated the confrontation and who progressively used more severe physical force.

In any other environment in the free world this action taken by these officers would be a criminal violent and possibly a criminal sexual act.

Letter at 6, docket # 10. Mr. Segars was an inmate in a jail. The rules governing the behavior of guards and inmates in a jail are different than those governing the

behavior of free citizens associating with each other in public. As explained in this court's June 14 order, "The officer described in the complaint was justified in using force to obtain compliance with his order and this complaint is merely an argument that superior alternatives existed." Screening Order at 5, docket # 8.

Mr. Segars might have a state law claim for the violation of a state law which could be actionable in state court, but he does not have a federal law claim for the violation of a federal law which is actionable in federal court.

For the foregoing reasons, the court:

- (1) **CONSTRUES** the letter (docket # 10) as a Rule 59 motion; and
- (2) **DENIES** the motion (docket # 10).

SO ORDERED.

ENTERED: June 24, 2005

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court